

12/4/23

**Town of Halfmoon Zoning Board of Appeals
Meeting – Monday, December 4, 2023
7:00 PM**

Chairwoman Curto called the meeting to order at 7:05 PM on December 4, 2023 this meeting is being held in person and via Microsoft Teams following members present:

Members- Chairwoman Curto, and Kevin Koval, Frank Griggs, Leonard Micelli, Dave Maxfield (absent)
Planner - Paul Marlow
Town Attorney – Cathy Drobný

Mr. Koval made a motion to Approve the November 6, 2023 Zoning Board of Appeals minutes, Mr. Micelli seconded, Minutes Approved.

Public Hearing:

County Dollar Plaza Addition, 217 Guideboard Road- Area Variance

Chairwoman Curto presented a summary of the application.

Mr. Steve Cronin presented the application on behalf of the property owner. The applicant is seeking approval to modify the existing building to include a new roof awning and sidewalk along the Rt. 236 (west) side of the building. They are proposing to amend the internal layout of the existing building to add three storefronts along Route 236 (with one having an entrance on both Guideboard Rd and one on Rt. 236 = Evexia Therapeutics) as the current layout is too large and difficult to rent. The proposal seeks to install a sidewalk and covered awning along the Rt. 236 side to guide patrons to the retail spaces. The existing building setback does not meet today's 50' front yard requirement (it is approx. 36.5') and with the proposed 6' awning, it will be further reduced to 30.5' from the property line. The applicant presented to the Planning Board at the October 23, 2023 meeting, but was denied because they would not meet minimum setbacks as required by Section 165, Attachment 1, Schedule A of the Town Code. Due to the existing setback infringements, the applicant is before the Board seeking a variance related to front yard setback.

Mr. Koval asked if there was clarification for the greenspace variance; Mr. Marlow noted that it was added as part of the application.

Mr. Koval asked for the specific variances requested.

Mr. Cronin noted the existing greenspace is 14.9% and it will be reduced to 14.5%, so 0.4% change.

Chairwoman Curto closed the Public Hearing at 7:10, there was no public comment.

A site visit occurred on November 18, 2023 at 9am

Pursuant to Article XIV Section 165-79 the following resolution was made:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

- a. Mr. Micelli commented: No, its all commercial there, this will be an improvement;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - a. Mr. Koval commented: No, there is no other way.
 - i. Mr. Micelli agreed.
3. Whether the requested area variance is substantial.
 - a. Mr. Koval commented: No, it's only a couple of feet off the building.
 - i. Mr. Micelli agreed.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 - a. Mr. Griggs commented: No, all water drains that way already.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.
 - a. Mr. Koval commented: No, the building was there prior to current zoning, and they lost frontage for Route 236 improvements.
 - i. Mr. Koval asked for the specific variance requested; Mr. Marlow noted it was 19.5 feet.

Chairwoman Curto made a motion to approve the Area Variances as proposed for the proposed addition, seconded by Mr. Koval. Motion was carried

New Business:

Hickok Garage Expansion, 12 Firehouse Rd – Site Plan

Mr. Paul Hickok presented the application. The applicant is seeking approval for an expansion to their existing repair garage. The current building is a pre-existing/non-conforming use and structure that does not meet today's current setbacks. Although in a residential zoning district, the site has been traditionally used as a repair shop and the Board has approved several tenants. They now wish to build two additions on the building; a 6'x 30= 180 SF garage expansion and a 10'x 10'= 100 SF office area. The additions would not meet the R-1 Residential minimum setbacks if this was a permitted use (i.e. single family home), which would be 50 ft front yard and 15 ft side yard. The proposal would result in 25 ft. front yard setback and 13.8 ft. side yard setback. The applicant presented to the Planning Board at the November 13, 2023 meeting, but was denied because they would not meet minimum setbacks as required by Section 165, Attachment 1, Schedule A of the Town Code. Due to the existing setback infringements, the applicant is before the Board for variances related to front and side yard setbacks.

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Mr. Hickok noted that they did build the rear corner and weren't asking for a variance for that section; Mr. Koval noted they would have needed a variance for the building anyway because it did not meet the setback requirement.

Mr. Hickok noted that they are just closing in that corner; Mr. Koval explained that they would not meet the side yard setback and would need the variance anyway.

Mr. Hickok stated that most other properties in that area do not meet the setback; Chairwoman Curto stated most of those buildings were built prior to zoning.

Mr. Micelli asked if this will just be a waiting area; Mr. Hickok stated it would be, no work will occur here.

Mr. Griggs asked why they did not do the addition on the back; Mr. Hickok explained that the customer would have to then walk through the garage to get to the office.

Mr. Hickok explained how the Town had issued the permit and they began work and then were told by the Town that they had made a mistake by issuing the permit and that they had to stop. The foundation was in and the roof was on when the Building Department came by to stop them.

Mr. Micelli asked if the addition to the front was already on the building; Mr. Hickok noted it is on, the roof is already on.

Mr. Hickok noted that they had the permit for several months before the Town requested they stop working.

A site visit will occur December 16, 2023 at 9am.

Chairwoman Curto made a motion to hold a Public Hearing at the January 2, 2024 meeting, Mr. Koval seconded.

Chairwoman Curto made a motion to adjourn the meeting, seconded by Mr. Koval. Motion was carried.

These are summary minutes and are not word for word at the request of the Zoning Board of Appeals.

Meeting adjourned at 7:21 PM.

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